

1  
2  
3  
4  
5  
6  
7 KATHLEEN SMITH,  
8 Plaintiff,  
9 v.  
10 KEURIG GREEN MOUNTAIN, INC.,  
11 Defendant.

Case No. [18-cv-06690-HSG](#)

**ORDER DENYING MOTION TO STAY  
DISCOVERY PENDING RESOLUTION  
OF MOTION TO DISMISS**

Re: Dkt. No. 25

12  
13 Pending before the Court is Defendant Keurig Green Mountain, Inc.’s Motion to Stay  
14 Discovery Pending Resolution of Motion to Dismiss. Dkt. No. 25 (“Mot”). Plaintiff Kathleen  
15 Smith opposed the pending motion on February 7, 2019. Dkt. No. 34.<sup>1</sup>

16 District courts have “wide discretion” to control discovery. *Little v. City of Seattle*, 863  
17 F.2d 681, 685 (9th Cir. 1988). In evaluating the propriety of a request to stay discovery, the Court  
18 is mindful that the party seeking a discovery stay carries the “heavy burden” to make an adequate  
19 showing for why discovery should be denied. *Blankenship v. Hearst Corp.*, 519 F.2d 418, 429  
20 (9th Cir. 1975). In moving to stay discovery pending the Court’s ruling on its motion to dismiss,  
21 Defendant argues that its dismissal motion makes “meritorious arguments that potentially would  
22 dispose of the entire case, obviating the need for any discovery.” Mot. at 4.

23 After carefully considering Defendant’s arguments in support of a stay, the Court finds  
24 Defendant has not met its burden of making a showing why discovery should be denied and thus  
25 finds it is not appropriate to stay discovery. To the extent Defendant asks this Court to take a

26  
27 <sup>1</sup> The Court also discussed this motion with the parties at the February 5, 2019 case management  
28 conference (“CMC”). See Dkt. No. 33 (transcript of proceeding). After reviewing the papers  
submitted to the Court to date, and in light of the discussion at the CMC, the Court finds this  
motion appropriate to take under submission. See Civ. L.R. 7-1(b).

1 "preliminary peek" at its dismissal motion's arguments in ruling on its stay request, the Court has  
2 done so and nevertheless finds that a stay is not warranted.

3 For these reasons and others discussed on the record at the CMC, the Court **DENIES**  
4 Defendant's motion.

5 **IT IS SO ORDERED.**

6 Dated: 2/8/2019



7  
8 HAYWOOD S. GILLIAM, JR.  
9 United States District Judge  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28